S.B. CR.MISC.BAIL APPLICATION NO.2257/2007.
Ghanshyam and anr. Vs. State
Date of order : 10/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Mahesh Gupta for the petitioners.
Shri S.N. Gupta P.P. for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and considered the material placed on record.

Learned counsel for the petitioners argued that the allegation against the petitioners is that they were witnesses of the execution of the agreement to sell which was prepared by Purshottam, the principal accused in the case. Purshottam has been enlarged on bail by the order of this Court dated 22/2/2007 on the premise that the dispute was with regard to the specific performance of contract and the complainant was still in possession of the land in dispute and the offence was triable by the Magistrate of Ist Class. The the case of the petitioner is akin to that of Purshottam who has already been enlarged on bail. The petitioners are in confinement since 2/4/2007.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of this case but taking into consideration the facts and circumstances of the case and the fact that petitioner is in 2257/2007

confinement since 2/4/2007 and the fact that similarly situated co-accused Purshottam has already been enlarged on bail, I deem it appropriate to enlarge the petitioners on bail.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioners Ghanshyam S/o Govind Lal and Banshi Lal S/o Shri Ram Charan shall be released on bail in F.I.R. No.107/2004 P.S. Sadar Baran, Baran subject to their furnishing a personal bond in the sum of Rs.20,000/- together with two sureties in the sum of Rs.10,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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